

# EXHIBIT C

Redrafted Declaration of Kathleen T. Zellner  
In Support of Plaintiff's Redrafted Responses to  
Defendants' Renewed/Second Motions for Summary Judgment  
(C11-5424BHS)

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CLYDE RAY SPENCER, MATTHEW RAY  
SPENCER and KATHRYN E. TETZ,

Plaintiffs,

v.

No. 11-5424 BHS

FORMER DEPUTY PROSECUTING ATTORNEY FOR  
CLARK COUNTY JAMES M. PETERS, DETECTIVE  
SHARON KRAUSE, SERGEANT MICHAEL  
DAVIDSON, CLARK COUNTY PROSECUTOR'S  
OFFICE, CLARK COUNTY SHERIFF'S OFFICE,  
THE COUNTY OF CLARK, SHIRLEY SPENCER  
and JOHN DOES ONE through TEN,

Defendants.

VIDEOTAPED DEPOSITION UPON ORAL EXAMINATION OF

CLYDE RAY SPENCER

Monday, November 12, 2012  
10:00 a.m.  
1201 Third Avenue, Suite 2200  
Seattle, Washington

Reported by Marlis J. DeJongh, CCR, RPR

Lic. No. DE-JO-NM-J498K9

MARLIS J. DEJONGH & ASSOCIATES  
[www.marlisdejongh.com](http://www.marlisdejongh.com)

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

8

1 A. That's correct.

2 Q. Who was a part of this conspiracy?

3 A. Jim Peters, Michael Davidson, and Sharon Krause.

4 Q. Nobody else?

5 A. No.

6 Q. So it was just those three people that conspired  
7 against you even though you also named Shirley Spencer, the  
8 County, Clark County sheriff's office and the Clark County  
9 prosecutor's office?

10 A. Michael Davidson was employed by the Clark County  
11 sheriff's. I think Shirley Spencer was a pawn in this.

12 Q. So she was involved in the conspiracy unwittingly?

13 A. I think she was, yes.

14 Q. All right. When did this conspiracy form?

15 A. I noticed that my marriage was changing around  
16 October of 2004. Up until that point in time I had a  
17 stable, loving relationship with my wife. Suddenly the  
18 arguments began. This was after the polygraph that  
19 Detective Davidson indicated I had failed.

20 My wife went there, and after that, she apparently went  
21 to the jail, or went to the county sheriff's almost on a  
22 daily basis. I would call her for hours and she would not  
23 answer, and she would indicate that she had been at the  
24 county jail or at the sheriff's department speaking with  
25 Davidson.

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

9

1 I believe that the relationship started at that point,  
2 and they manipulated her from on.

3 Q. And you have pretty clear memories of that time  
4 frame of October 1984?

5 A. I know that's when the relationship seemed to  
6 totally reverse. Up until that time she was supportive of  
7 me, loving. Suddenly there was no personal relationships.

8 You have to understand Shirley's mental state. She  
9 is, she's a fragmented individual. She's obsessed with  
10 jealousy. Her feelings of how to, a relationship should be,  
11 there should be a physical confrontation and then a makeup  
12 afterwards. So all of a sudden it began around that period  
13 of time.

14 Q. That period of time being October 1984?

15 A. Correct.

16 Q. What -- and that's when you think the conspiracy  
17 formed, was sometime around October 1984, just to be clear?

18 A. It is.

19 Q. What was the goal of the conspiracy, or what was  
20 the agreement to do?

21 A. I think that the agreement was to get me out of the  
22 picture. Davidson sleeping with my wife. Krause is  
23 building a career. She is working in conjunction with Jim  
24 Peters. They're giving lectures up and down the coast.

25 Q. So why -- what is Peters' motivation in this

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

39

1 Q. Do you think she was doing so on purpose in order  
2 to hurt herself?

3 A. We had an accident. We had -- we had an argument.  
4 Shirley, as I previously indicated, has a propensity for  
5 violence.

6 I walked out, walked down the road, stayed down there  
7 15, 20 minutes. When I came back the argument ensued again.  
8 Shirley turned, ran out the sliding doors and jumped over  
9 the deck. I assumed that she had fallen down into the  
10 river. I jumped over to help her. She in fact had landed  
11 on a ledge right below. I fell 30 feet down into the rocks.

12 Q. What were you arguing about?

13 A. I have no idea now. At that point in time we were  
14 in the middle of this investigation. The marriage was  
15 starting to go downhill.

16 Q. Were you arguing about the fact that Shirley  
17 Spencer had concerns that you were cheating on her and  
18 having affairs with other women in your marriage?

19 A. The truth of the matter is I never had an affair  
20 with anyone when I was with Shirley. Now Shirley would  
21 assume there would be some relationship.

22 Q. So your testimony under oath, sir, is you were  
23 100 percent faithful to Shirley Spencer and never had an  
24 affair or sexual relations with any other person during the  
25 entire time you were married to her?

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

48

1 misstating what happened on purpose or is it Ms. Arden who  
2 is erroneously recording what you told her on that day?

3 A. Shirley was concerned about the fact that she had  
4 jumped and for all practical purposes attempted suicide. So  
5 she asked me not to say anything about it and that's what we  
6 told Ms. Arden.

7 Q. So you did accurately -- I'm sorry, you did -- let  
8 me start over.

9 Ms. Arden was accurately recording what you told her,  
10 which is that the two -- you and your wife had gone outside  
11 to see how high the water was and Shirley slipped and fell  
12 down the embankment and you tried to assist her and then  
13 fell yourself?

14 A. That's correct.

15 Q. So you were deliberately telling Ms. Arden a lie,  
16 correct?

17 A. I think I answered that.

18 Q. That is correct, you lied to her, right?

19 A. That's right.

20 Q. She goes on to report that you told her that you  
21 drove -- they had driven themselves to the hospital for  
22 treatment of their injuries. Who drove?

23 A. I drove and Shirley shifted.

24 Q. So you drove with a concussion while Shirley  
25 shifted with a broken leg?

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

54

1 polygraph I had come in and spoke to Davidson and Krause. I  
2 can't swear to that but it seems to me that there was some  
3 contact prior to that polygraph.

4 Q. Okay. Would it have been like a week or two before  
5 that polygraph where that contact occurred?

6 A. Probably was because I kept calling them and asked  
7 them, let's schedule this, let's get it done.

8 Q. Okay. So between that contact a week or two before  
9 the polygraph exam and two years prior when you were working  
10 with Sergeant Davidson in serving the search warrant you had  
11 zero contact with him?

12 A. Correct.

13 Q. Do you believe at the time you took the first  
14 polygraph examination at the Clark County sheriff's office  
15 in September 1984 that this conspiracy to frame you had  
16 already begun?

17 A. I don't believe so.

18 Q. Why is that you do not believe so?

19 A. Because it wasn't until, up to that point, that my  
20 marriage was fairly stable, and it was only after Shirley  
21 Spencer started coming down to the sheriff's department  
22 every day and spending time with Davidson that it seemed  
23 like our whole relationship changed.

24 Q. So you have a clear memory that almost every day  
25 Shirley Spencer was leaving your home and you were observing

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

55

1 her leaving your home?

2 A. No, I wasn't observing her.

3 Q. Oh.

4 A. I would call and she wouldn't answer. And I would  
5 ask her where she was and she admitted that she was at the  
6 county sheriff's talking to Davidson.

7 There was no reason for her to go back there. She had  
8 given her statement. She came there when I took the first  
9 polygraph. There was no reason for her to go back to the  
10 sheriff's department.

11 Q. Okay. So she would tell you that I'm going to  
12 visit Sergeant Davidson at the Clark County sheriff's  
13 office?

14 A. Yes.

15 Q. And she would tell you that every day when you  
16 would call her?

17 A. Whenever I would call and she wouldn't answer and I  
18 would ask her where she had been, that's what she told me.

19 Q. Okay. What I'm trying to get at, sir, is why do  
20 you think it was happening every day, as you put it? Were  
21 you calling her every day and she was telling you that this  
22 is where I was every day, or what?

23 A. Well, I don't know for a fact it was every day. I  
24 know for a fact that when I'd call and she wouldn't answer,  
25 and then it would be two or three hours later I would

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

56

1 finally get ahold of her and I would ask her where she had  
2 been and she would say, I was at the sheriff's department  
3 talking to Davidson.

4 Q. All right. And would you call your wife every day  
5 while you were working?

6 A. Yeah, I call my wife every day. Do you call yours?

7 Q. Would you ask -- so every day when you would call  
8 your wife as a regular matter of routine she would tell you  
9 every single time, I was over with Sergeant Davidson at  
10 Clark County sheriff's office?

11 A. As I previously stated, whenever she would not  
12 answer the phone and I would ask her where she's been she  
13 indicated that she was at the sheriff's office with Sergeant  
14 Davidson.

15 Q. So at this point, I take it, you began to have  
16 suspicions that your wife was cheating on you with Sergeant  
17 Davidson?

18 A. No, I think it was after Davidson came to the  
19 county jail and told me that my wife no longer loved me.

20 Q. So at this time when your wife is telling you that  
21 almost every day she's going to the sheriff's office and  
22 meeting with Sergeant Davidson at the sheriff's office you  
23 didn't have any suspicions that there might be something  
24 going on between the two of them?

25 A. I noticed that my marriage was falling apart at

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

57

1       that point in time. There was no more sex, there was no  
2       more closeness.

3       We had this mysterious three or four-hour lapses that  
4       she's gone. There was no justification for her to be at the  
5       sheriff's department. I don't know that I put it together  
6       that she and Davidson were having an affair.

7       Q. So as a trained police officer you didn't have any  
8       suspicions at all of that going on?

9       MS. ZELLNER: At what point in time, if you could  
10       be specific.

11       MR. FREIMUND: I think we're pretty clear on the  
12       point in time, aren't we?

13       MS. ZELLNER: Well, if you could restate the point  
14       in time.

15       Q. During this point in time, between the time that,  
16       when you were saying that Shirley Spencer was going every  
17       day or almost every day to the sheriff's office and meeting  
18       with Detective, I'm sorry, Sergeant Davidson, that's the  
19       period of time we've been talking about, right?

20       A. Correct.

21       Q. During that period of time when almost every day  
22       you were calling your wife and she was telling you that she  
23       was meeting with Sergeant Davidson at the Clark County  
24       sheriff's office, you didn't have any suspicions that  
25       something was going on between them. Is that right?

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

58

1 MS. ZELLNER: Objection, vague, what something  
2 means.

3 MR. FREIMUND: A relationship.

4 A. I don't know that I ever sat down and thought about  
5 that. I didn't know she was cheating on me.

6 Q. And how long a period of time was this that you  
7 believe you were calling your wife almost every day and she  
8 was missing for two or three hours almost every day and  
9 reporting to you that she was meeting with Sergeant  
10 Davidson? How long did that go on?

11 A. That went on until I was arrested.

12 Q. So what are we talking, four or five months?

13 A. Yes.

14 Q. All right. And during that four or five-month time  
15 period where almost daily interaction was occurring with  
16 Sergeant Davidson, at no point during that four or five  
17 months you had any suspicions that they might be having a  
18 relationship. Is that accurate?

19 MS. ZELLNER: Objection, asked and answered.

20 A. I think I've answered it.

21 Q. Could you answer again, please. Is that accurate?

22 A. That's accurate.

23 Q. Did you ever ask anybody else at the sheriff's  
24 office, or otherwise, if they saw your wife there, maybe  
25 having concerns she wasn't telling you where she really was?

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

65

1 Q. Do you know how long he was watching the two of  
2 you?

3 A. I have no idea.

4 Q. Any other problems that you believe arose in  
5 relation to Matt based on his observations of you two having  
6 sex?

7 A. No.

8 Q. Do you recall being told after the first polygraph  
9 examination was administered by Dr. Abrams that he felt your  
10 responses tended to be deceptive but said that he decided  
11 that the results were inconclusive?

12 A. I remember him telling me I failed.

13 Q. So your recollection is Dr. Abrams told you you  
14 failed the first polygraph?

15 A. Yes. And actually it was Davidson that told me  
16 that I failed.

17 Q. Why was it, do you think then, that they wanted to  
18 take another polygraph of you if you failed the first one?

19 A. That would be pure speculation on my part. I have  
20 no idea why they would want me to take another one. You  
21 would have to ask Sergeant Davidson that.

22 Q. Okay. It's your belief though that Davidson, at  
23 least as he relayed to you, was that you failed the first  
24 polygraph examination and yet he wanted you to take a second  
25 one?

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

101

1 to fire you because they believed that on one or more  
2 occasions between July 14th and August 26, 1984 you had  
3 sexual contact with and did engage or attempt to engage in  
4 sexual intercourse with your daughter Karen Spencer --  
5 Kathryn Spencer, I'm sorry, then age five, correct?

6 A. That's what it says, yes.

7 Q. That was a lie too?

8 A. That was a lie too.

9 MR. FREIMUND: Mark this as Exhibit 5, please.

10 (Exhibit No. 5 marked for identification.)

11 Q. Before I start asking you about Exhibit 5 though, I  
12 just want to be clear that in your mind Detective Davis  
13 wasn't part of the conspiracy to frame you for, among other  
14 things, sexually abusing your daughter but nonetheless, for  
15 reasons of his own, i.e., public relations purposes, he  
16 confirmed that you had and determined that you had sexually  
17 abused your daughter. Is that right?

18 A. Based on reports that were falsified. There isn't  
19 a report that Detective Krause wrote that was valid. If you  
20 review those reports, I know my daughter and my daughter did  
21 not say the things that are in those reports.

22 So he's basing it on the information he's receiving from  
23 the county, which was false. I was arrested without  
24 probable cause. You can't have probable cause based on  
25 false reporting.

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

108

1 front of you. It says Sunday, 2/3/85.

2 Q. Okay. And your belief is, even though this officer  
3 typed the present date on which he's writing this, typing  
4 this report is February 4th, 1985, that isn't true because  
5 he told you later he did it days later after he was ordered  
6 to do so?

7 A. Yeah, he was told that he had to write a report on  
8 it.

9 Q. Right, and he did so days later though?

10 A. Well, that was the information I had.

11 Q. So you think when he typed in present date 2/4/85,  
12 he -- that isn't true, that actually it was, had to be days  
13 after 2/4/85, correct?

14 A. All I know is what he told me.

15 Q. So based on what he told you, you think that he  
16 typed in the wrong date there, correct?

17 A. Based on what he told me. I have no idea.

18 Q. All right. And you're saying you don't recall  
19 telling Shirley you wanted a divorce on or around  
20 February 3rd, 1985?

21 A. I recall telling Shirley that I was leaving, that  
22 this wasn't working. We weren't communicating, she wasn't  
23 talking.

24 Q. But you don't recall using the word divorce?

25 A. No.

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

109

1 Q. And when you told Shirley that you were leaving,  
2 she was upset and did not want you to leave. Is that  
3 accurate?

4 A. Well, again Shirley went into one of her manic  
5 states. I think that trying to rip off my testicles pretty  
6 much explains what her mental state was.

7 Q. So it is true that she didn't want you to leave,  
8 she wanted you to stay. Is that right?

9 A. No, I think she wanted to keep my testicles and let  
10 me go.

11 Q. Okay.

12 A. She said, you won't take these with you.

13 Q. Okay. So you think it was mutual at this point on  
14 February 3rd, '85 that the two of you should separate?

15 A. I don't know how mutual it was but I knew that it  
16 couldn't continue the way it was. All I wanted to do was  
17 leave.

18 Q. Okay. And now you mentioned that this fellow  
19 Robert, Robert was Shirley's son from a prior relationship,  
20 right?

21 A. Yes.

22 Q. Do you recall how old approximately Ray and Robert  
23 were?

24 A. Robert was probably 25, 26. Her other son was  
25 probably 21, 22. Something like that.

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

122

1 February 20, 1985 she wasn't at work because she was ill but  
2 yet while at home she received a call that Clark County  
3 deputies had responded again to the Spencer residence on a  
4 civil standby regarding some guns.

5 Do you recall an incident on or about February 20, 1985  
6 where the police again came to your home this time in  
7 relationship to issues regarding some weapons you had there?

8 A. Yes.

9 Q. So Detective Krause is accurately reporting that  
10 this incident did in fact occur, is she not?

11 A. Yeah. This was after Shirley Spencer had dropped  
12 her five-year-old off at my motel.

13 Now I don't know about you, but I had already been  
14 arrested for supposedly pedophilia with my daughter. What  
15 reasonable woman would drop her five-year-old off there if  
16 she thought there was any danger of it.

17 And why is it that for a week before that every time I  
18 asked Shirley to stay she would say, I can't because if I do  
19 I can't go through with this.

20 That was a setup. The whole thing was a setup between  
21 Krause, Davidson and Peters. They manipulated Shirley, they  
22 knew their case was weak. They didn't have probable cause  
23 to make the first arrest because it was based on false  
24 reporting.

25 Q. So you think a deputy prosecuting attorney Jim

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

125

1 charged with pedophilia thinking that this child could be  
2 sexually abused and they did all that so that they could  
3 falsely frame you for sexual abuse. Is that what your  
4 theory is?

5 A. They did all that because they had no reason to  
6 believe that that child was in danger. They had falsified  
7 these records. They were in a relationship.

8 I believe after the medical exam of my daughter, based  
9 on the severity that they had alleged, they couldn't prove  
10 it. They hid the medical exam on her, they hid the medical  
11 exam on my stepson. You tell me why.

12 Q. So you think that they thought that little boy was  
13 in no danger at all from you because they happened to  
14 believe that you were completely innocent of the charges and  
15 therefore it was perfectly safe for them to convince Shirley  
16 Spencer to take her five-year-old son to stay at your place  
17 even though you had been arrested for pedophilia?

18 A. If Shirley believed that I was guilty she would not  
19 have done that. She did it because it buffered their case.  
20 It was a setup from the start.

21 She shows up there after a week of saying, I can't spend  
22 the night because if I do I can't go through with this, and  
23 she shows up out of the blue without any pajamas, without  
24 any toys, without anything for that child.

25 Q. So again my question is, you believe that Sergeant

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

153

1 A. Yes.

2 Q. Do you recall saying that repeatedly?

3 A. I did.

4 Q. Do you recall saying, I can't remember this, my  
5 God, why can't I remember it?

6 A. I probably said that, yes.

7 Q. Do you think you probably said, could I have done  
8 this and not remember it?

9 A. I could have said that, yes.

10 Q. You were kind of feeling that, weren't you, that  
11 maybe I did this and I'm just not remembering it?

12 A. No. All of my support group at that point in time  
13 was gone. I had lost my job, my wife was gone, my children  
14 were gone. I'm at that point that I've been classified as  
15 clinically depressed. I'm heavily medicated. I'm beginning  
16 to question my own sanity.

17 Q. Do you think you would have said something like,  
18 could I have done this and not remember it and really felt  
19 that way?

20 A. I'll tell you what, if I had all the documents that  
21 were withheld, the medical exams, the affair, the  
22 information on that, the videotape, there was no way in  
23 anything that I wouldn't have went forward with this.

24 Q. Do you remember feeling in your own heart of hearts  
25 that you had a concern, wow, could I have done this and just

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

154

1 not remember it?

2 A. No.

3 Q. You never had that feeling?

4 A. No.

5 Q. Never?

6 A. Never.

7 Q. Do you recall believing that DeAnne Spencer had put  
8 her daughter up to saying something had happened between you  
9 and Kathryn and that something being sexual?

10 A. I wouldn't have put it past my ex-wife.

11 Q. Do you recall telling somebody that, that you  
12 thought --

13 A. No, I don't recall telling somebody that.

14 Q. Do you recall saying to anyone, I must have done it  
15 if Little Matt said I did. This can't be my ex-wife this  
16 time.

17 A. No. What I did say was when Big Matt, when I found  
18 out he was charged.

19 Q. When he was charged?

20 A. Or when he said that I did it, that's the point  
21 that I really questioned any basis for these allegations.  
22 Not with Little Matt. He's a five-year-old.

23 Q. So when Big Matt said that you sexually abused him,  
24 that's when you began to question the, it can't be my  
25 ex-wife this time, or what? I'm not following you.

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

179

1 Q. I asked if he was aware if there is a prior court  
2 ruling that Michael Davidson did not coerce your guilty  
3 plea.

4 I know your lawyer wants to talk about a bunch of other  
5 decisions, and blah, blah, blah, but I'm asking you, are you  
6 aware of that?

7 A. I'm aware of that and I'm aware of the fact that  
8 the Court made that decision based on the information he  
9 had.

10 Q. Now it's your testimony, sir, that Michael Davidson  
11 visited you in the jail. Is that right?

12 A. It is.

13 Q. How many times do you testify that Michael Davidson  
14 visited you while you were at the Clark County jail?

15 A. I would estimate at least a couple dozen. It was  
16 almost like he was up there every day. He would take me  
17 down, he would have Shirley in a room, he would put me in  
18 the room with her trying to get me to sign over a quitclaim  
19 deed to the house, sign over my retirement check, to the  
20 point where I refused to come down anymore.

21 We almost had a physical confrontation which was  
22 witnessed by Linda Harper, one of the jailers, and in  
23 Davidson's anger he stated, Your wife used to love you but  
24 she doesn't anymore.

25 And I said, What do you know about my wife. And he

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

180

1       couldn't get out of the jail quick enough.

2       I filed a complaint against Sergeant Davidson. He was  
3       telling me when he wanted to take me down, you belong to me,  
4       I'll tell you where you can go and where you can't,

5       It's my understanding Internal Affairs called him in  
6       there and told him, what's wrong with you, stay out of that  
7       jail.

8       Q.    Where did you get that understanding?

9       A.    That was the information that I had received from  
10       Shirley that she apparently, Davidson had told her that he  
11       had gotten in trouble for coming to the county jail, they  
12       had called him in.

13       Q.    When did you Shirley tell you that?

14       A.    We have a statement. I don't have -- she didn't  
15       tell me that. I haven't talked to her. But we have a  
16       statement where she has stated that Michael Davidson had  
17       indicated to her that he had gotten in trouble for going to  
18       the jail and was told to stay out of there.

19       Again, if you want a copy of that, if you don't have a  
20       copy of that, I'm sure my attorney can provide that.

21       Q.    I thought you said she told you is why I was  
22       asking, because I believe that was your testimony.

23       A.    No.

24       Q.    Anyway, your testimony is that Sergeant Davidson  
25       was coming down to the jail almost every day while you were

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

181

1 down there?

2 A. Yes.

3 Q. And you were in jail for what, three months?

4 A. Something like that.

5 Q. So almost every day for three months he was  
6 visiting you in the jail?

7 A. Well, you know, like I said, I can't give you a  
8 number.

9 Q. But it was almost every day?

10 A. But it felt like it was almost every day, yes.

11 Q. And as a seasoned police officer of course you're  
12 aware that you have a right to refuse to speak to a police  
13 officer, right?

14 A. Yes.

15 Q. Did you ever exercise that right other than the one  
16 time you mentioned over these four months?

17 A. Yes.

18 Q. So you sometimes exercised that right and other  
19 times waived that right when Sergeant Davidson would visit  
20 you almost daily for four months?

21 A. At the end there I would refuse to go. At first he  
22 would say, your wife wants to see you, she wants to talk to  
23 you. And he would take me down there and he would put me in  
24 a room. And one time I heard Shirley leave and tell  
25 Davidson, he wouldn't sign that quitclaim deed to the house.

VIDEOTAPED DEPOSITION OF CLYDE RAY SPENCER, 11/12/12

266

1 REPORTER'S CERTIFICATE  
2

3 STATE OF WASHINGTON )  
4 COUNTY OF KING ) ss.  
5

6 I, MARLIS J. DeJONGH, CCR, RPR, a Notary Public in  
7 and for the State of Washington, do hereby certify:  
8 That prior to being examined, the witness named in the  
9 foregoing deposition was duly sworn to testify the truth,  
10 the whole truth and nothing but the truth;

11 That said deposition was taken down by me in  
12 shorthand at the time and place therein named and thereafter  
13 transcribed by means of computer-aided transcription, and  
14 that the foregoing transcript contains a full, true and  
15 verbatim record of the said deposition;

16 I further certify that I have no interest in the  
17 event of the action.

18 WITNESS my hand and seal this 27th day of November,  
19 2012.

20  
21 Notary Public in and for the State  
22 of Washington, residing in Seattle.  
23 My commission expires 01/2016.  
24 Lic. No. DE-JO-NM-J498K9  
25

# EXHIBIT D

Redrafted Declaration of Kathleen T. Zellner  
In Support of Plaintiff's Redrafted Responses to  
Defendants' Renewed/Second Motions for Summary Judgment  
(C11-5424BHS)

WITNESS: SHIRLEY SPENCER 8-30-96 (PETER CAMIEL) 1

1 UNITED STATES DISTRICT COURT

2 WESTERN DISTRICT OF WASHINGTON

3 AT TACOMA

4

5 CLYDE RAYMOND SPENCER, )  
6 Petitioner, )  
7 vs. ) NO. C94-5238RJB  
8 JOSEPH KLAUSER, Warden, Idaho)  
9 State Institution; CHRISTINE )  
10 GREGOIRE, Attorney General, )  
11 State of Washington, )  
12 Respondents. )

13

14 DEPOSITION UPON ORAL EXAMINATION

15 OF

16 SHIRLEY JEAN SPENCER

18 2:30 p.m.

19 August 30, 1996

20 710 Cherry Street

21 Seattle, Washington

24 Jeffory A. Wilson  
25 Court Reporter

ORIGINAL

WITNESS: SHIRLEY SPENCER 8-30-96 (PETER CAMIEL)

10

1 A. Yes, she did.

2 Q. Did she tell you why you should have your son  
3 examined?

4 A. In case there was any problems because of the  
5 abuse, or due to the abuse.

6 Q. How long before you actually went in and saw the  
7 doctor was it that Detective Krause told you you should  
8 take Matt in to see a doctor?

9 A. I don't understand. How long before what?

10 Q. How many days before you actually took your son to  
11 see the doctor was it that the detective told you that you  
12 ought to do that?

13 A. I don't recall. We're talking a long time ago. I  
14 don't know. There was a few days, a week, or immediately.  
15 I don't recall. I know it was no long delay, but I  
16 couldn't tell you for sure.

17 Q. When Detective Krause told you that you ought to  
18 take your son in to be examined, did she give you the name  
19 of a particular doctor to take him to?

20 A. No.

21 Q. Did she tell you to take your son to his regular  
22 physician?

23 A. Yes.

24 Q. Did she explain to you what you ought to tell the  
25 doctor about the purpose for the exam?

WITNESS: SHIRLEY SPENCER 8-30-96 (PETER CAMIEL)

18

1 Q. -- from the sex abuse?

2 A. Yes. Any kind of idea that there might have been  
3 penetration.

4 Q. Do you recall the day after the examination of  
5 Matt meeting with Detective Krause and with your son?

6 A. I was down at the police station almost every day,  
7 half a day for that whole time, you know, so I'm sure I did  
8 talk to them after that, but as far as them telling me  
9 anything about the physical, they did not, and I've never  
10 seen any paperwork on it.

11 Q. Okay. But I want to make clear that after the  
12 examination, you do recall that you did meet with the  
13 police?

14 A. I'm sure I did. I don't recall, you know, what  
15 days. Like I said, I was down there constantly.

16 Q. Did you tell Detective Krause that you had  
17 followed her recommendation and had your son examined?

18 A. Yes.

19 Q. And did you tell Detective Krause what the doctor  
20 had told you?

21 A. I'm sure I did. I can't recall. I mean, a lot of  
22 things were discussed that year, that few months. So I  
23 don't know, but I'm sure I did.

24 Q. Do you recall whether the detective asked you who  
25 the doctor was that examined your son?

WITNESS: SHIRLEY SPENCER 8-30-96 (JOHN SAMSON)

27

1 C E R T I F I C A T E

2 STATE OF WASHINGTON )  
3 ) ss.  
4 COUNTY OF KING )

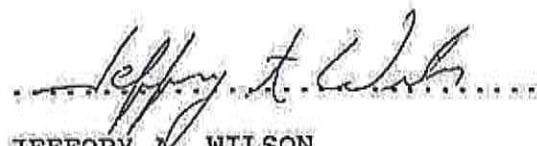
5 I, the undersigned Notary Public in and for the  
6 State of Washington, do hereby certify that:

7 I am not a relative or employee or counsel of any  
8 of the parties to said action, or a relative or employee of  
9 any such attorney or counsel, and that I am not financially  
10 interested in the said action or the outcome thereof;

11 The witness, before examination, was duly sworn to  
12 testify the truth, the whole truth and nothing but the  
13 truth; and

14 The transcript attached hereto is a true record of  
15 the proceedings.

16 In witness whereof, I have hereunto set my hand  
17 and affixed my seal this 2<sup>nd</sup> day of September.....  
18 1996.

19   
20  
21 JEFFORY A. WILSON

22 CSR NO. WILSOJA426M8

23 Notary Public in and for the  
24 State of Washington, residing  
25 at Seattle.